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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BARRETT J. GAY,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 16-cv-03013-NC

**STIPULATION OF DISMISSAL
WITH PREJUDICE WITH [PROPOSED]
ORDER**

The Honorable Nathanael M. Cousins

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiff Barrett J. Gay and defendant Facebook, Inc. hereby stipulate to the dismissal with prejudice of the complaint with each side to bear its own fees, costs, and expenses.

Plaintiff hereby withdraws Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i) (the "Notice") filed on January 9, 2017. (*See* ECF Dkt. 29)

IT IS SO STIPULATED.

Dated: January 9, 2016

COOLEY LLP

/s/ Mark R. Weinstein

Mark R. Weinstein

Attorneys for Defendant
FACEBOOK, INC.

Dated: January 9, 2016

/s/ Barrett J. Gay (by permission)

Barrett J. Gay (*pro se*)
Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

The Honorable Nathanael M. Cousins
United States Magistrate Judge

ATTESTATION

I, Mark R. Weinstein, am the ECF users whose ID and password are being used to file this STIPULATION OF DISMISSAL WITH PREJUDICE. In compliance with Local Rule 5-1(i)(3), I hereby attest that Barrett J. Gay has concurred in this filing.

/s/ Mark R. Weinstein

Mark R. Weinstein

PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in Santa Clara County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley LLP, 3175 Hanover Street, Palo Alto, California 94304-1130. On the date set forth below I served the documents described below in the manner described below:

STIPULATION OF DISMISSAL WITH PREJUDICE



(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Palo Alto, California.

on the following part(ies) in this action:

Barrett J. Gay
 5329 Riverwalk Drive
 Building 1-A
 Atlanta, GA 30349

Executed on January 9, 2017, at Palo Alto, California.

Jocelyn C. McIntosh